

Release
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 13, 1998

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-91 Lamden v. La Jolla Shores Clubdominium Homeowners Assn. S070296. (D025485; 62 Cal.App.4th 1145.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether the business judgment rule or the objective reasonableness rule is used in evaluating the decisions of the board of directors of a homeowners association relating to the repair and maintenance of the common areas of a condominium.

#98-92 Orrick v. San Joaquin Community Hospital S070090. (F025913; 62 Cal.App.4th 1466.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case presents an issue, concerning whether collateral estoppel effect should be accorded to arbitration awards, which is related to an issue before the court in Vandenberg v. Superior Court S067115. (See #98-40.)

#98-93 People v. Thomas, S070580. (B112830.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case concerns whether counsel alone may stipulate to the fact of a prior

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conviction which is an element of a crime or whether the defendant must personally join the stipulation after Boykin/Tahl advice and waivers.

DISPOSITIONS

#97-170 Steve H. v. Wendy S., S064838, was dismissed and remanded to the Court of Appeal on stipulation of the parties.

#98-6 Arlington Investment Co. v. Tarcher, S065752, was dismissed and remanded to the Court of Appeal.

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